UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/2002/NGO/85
31 January 2002

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 14 (c) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

---

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. * 2 0 0 2 0 1 0 5 2 9 *

ENG

Lack of effective protection for IDPs in Asia

1. There are millions of people in Asia carrying the tag "IDP", or Internally Displaced Person, including large populations in China, Myanmar, Sri Lanka, Afghanistan and Indonesia. All of these people suffer insecurity and denials of their human dignity.

2. IDPs flee for reasons of persecution on the basis of race, religion, nationality, membership in a particular political or social group or severe economic hardships, especially emanating from drought or recurrent crop failure. Some are would-be refugees who have been prevented entry to another country even at the expense of their lives. Neighbouring territories often disseminate anti-refugee propaganda to justify an inhumane response. Such attitudes and propaganda also induce attacks on standing populations of refugees in those countries, further increasing general insecurity.

3. The hardening of national borders and related policies in Asia means that the number of IDPs now exceeds that of refugees. Regrettably, most IDPs are faceless. Unlike refugees, there are no specific national or international instruments offering them protection. They are left to the whims and fancies of whichever authority is in power in a given domain. Information about them is either withheld from the public or manipulated for political expediency. International organisations find it difficult both to gain access to IDP populations and to negotiate with governments on their behalf due to the lack of recognized legal guidelines. In the absence of international and domestic laws, governments are at liberty to refuse IDPs the security they deserve. There are also no mechanisms to monitor the treatment they receive.

4. One major factor preventing the adoption of effective remedies both nationally and internationally is the absence of accurate data about IDPs. This is due to the inaction of governments and the debarring of international orgnisations from verification. Inaccuracy regarding the numbers of persons, their actual needs and locations results in denial of their basic needs. In this case the major obstacle is the principle of national sovereignty, which when selectively applied may serve to obstruct the delivery of basic human rights.

5. It is this concern that must guide the international community to bring IDPs under international guidelines pertaining to refugees. The distinction between refugees and IDPs is entirely artificial: all deserve equal recognition and the extension of full protection under international law. IDPs can no longer be treated as the concern of individual governments, which are invariably responsible for the creation of situations, directly or indirectly, from which people are displaced. Hence there is clearly a need either to amend the present Convention on Refugees to include reference to IDPs, or an additional protocol or convention be drawn up to pertain to IDPs. Such an instrument is essential, as the current Guiding Principles on Internal Displacement are not binding.

6. Finally, given that a large number of displacements occur due to man-made disasters, failed agricultural policies, misguided rehabilitation programs or the implementation of unsuitable plans by governments induced and funded by the World Bank or International Monetary Fund, it is imperative that these agencies also be held responsible and be obliged to follow new internationally accepted human rights standards and norms.